HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 26297 of 1996

Between

Smt.E.Padmavathi and others ..Petitioners

AND

Government of Andhra Pradesh represented by its Secretary, Education Department and others ..Respondents

:: JUDGMENT ::

2.3.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 26297 of 1996

This writ petition has been instituted by various Lecturers, working in the fourth respondent Junior College against posts admitted to grant-in-aid, seeking a writ of mandamus to declare the action of the respondents in not revising their pay drawn from 28.2.1990, the date

on which they were initially engaged as Lecturers. It is not in dispute that the writ petitioners have subsequently been admitted to grant-in-aid and their pay fixation has been accorded only from the said date, instead of from the date of their initial engagement.

However, the learned Government Pleader for Higher Education has brought to my notice that during the pendency of this writ petition, the Andhra Pradesh Private Aided Collegiate and Technical Education Employees (Regulation of Pay) Act No.26 of 2006 has been passed which received the assent of the Governor on 21.4.2006 and was published in the Andhra Prasdesh Gazette for general information on 22.4.2006 regulating the pay fixation of the employees of the Collegiate Education. It was also further pointed out that the Act was deemed to have been brought into force with effect from 10.1.1980.

In view of the provisions contained in Act 26 of 2006, the relief prayed for in this writ petition cannot be granted unless the provisions of the said Act No.26 of 2006 are declared either unconstitutional or non-applicable to the case of the petitioners.

The learned counsel for the petitioners would urge that the validity of the provisions of Act 26 of 2006 was the subject matter of challenge in Writ Petition Nos.23275 and 22629 of 2006 and therefore suggests that this writ petition can await the result in the said writ petitions.

I am afraid that this request of the writ petitioners cannot be conceded at this stage because the present writ petition is pending in this Court for more than ten years and therefore, it will not sub-serve any purpose by keeping it pending merely because the validity of the provisions of Act 26 of 2006 was the subject matter of consideration in the other cases. It is always open to the writ petitioners to revive their cause if the grievance of theirs still remains unresolved. As at present, in view of the provisions contained in Act

26 of 2006, I am inclined to accept the contention of the learned Government Pleader for Higher Education that the relief in the present writ petition cannot be granted. In this view of the matter, I dismiss the writ petition leaving it open to the writ petitioners to revive their claim in case their grievance remains unfulfilled.

With this, the writ petition stands dismissed, but however without costs.

_____

NOOTY RAMA MOHANA RAO.J.

2.3.2007
psr